

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 11-26-88 *mg*

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the Suspension)
or Revocation of the License of)
MELVIN FEILER, D.D.S.)
To Practice Dentistry in the)
State of New Jersey)

Administrative Action

ORDER

This matter came before the State Board of Dentistry ("Board") on October 12, 1988, upon the application of Deutch, Shur and Nord, P.C., attorneys for respondent Melvin Feiler, to dismiss the Complaint and/or transfer the proceedings to the Office of Administrative Law, Victor A. Deutch, Esq., appearing for the respondent and Deputy Attorney General Douglas J. Harper, appearing for the Attorney General.


The Board having considered all papers filed with the Board by respondent on his application and by the State in response, and the Board having heard oral argument on the motion, and the Board finding that the integrity of the administrative process had not been violated by the submission of unsolicited materials to the Board by the New Jersey Dental Association ("N.J.D.A."); that Feiler had notice of the N.J.D.A. communications and had the opportunity to and did rebut them; that the Board previously struck these communications from the record and made it clear they would not affect in any way how the case is decided; that neither the Board nor individual Board members have been tainted by the unsolicited communications from the N.J.D.A.; that there is no cause for any Board member to be disqualified from consideration of this case because of bias; that the information to be sought and obtained in the penalty phase of this proceeding does not require

the professional expertise of certain members; that the record to be made in the penalty phase involves, in part, the magnitude of insurance claims, the extent of wrongfully obtained funds, and the scope of respondent's activities as described in Feiler v. New Jersey Dental Association, 191 N.J. Super. 426 (Ch. Div. 1983), aff'd 199 N.J. Super. 363 (App. Div. 1984); that the liability phase of this proceeding has been completed by the application of the doctrine of offensive collateral estoppel against the respondent; and for good cause shown,

IT IS ON THIS 20th DAY OF Oct, 1988,

ORDERED that the motion to dismiss the Complaint against Melvin Feiler, D.D.S., is hereby denied; and it is further

ORDERED that this case shall be transferred by the Board to the Office of Administrative Law for the penalty phase of the hearing.

A handwritten signature in cursive script, appearing to read "Arnold Graham", followed by the initials "MB". The signature is written over a horizontal line.

ARNOLD GRAHAM, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY